

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION


U.S. Magistrate Judge

STONE SCOTT CROWDER and
SUMMER CROWDER,

Plaintiffs,

vs.

CSX TRANSPORTATION, INC.,
a corporation,

Defendant.

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Case No. 3:09-0385

**DEFENDANT'S MOTION TO FILE REPLY BRIEF
TO ITS MOTION TO LIMIT AND EXCLUDE
PLAINTIFFS' MEDICAL EXPERT, DAVID K. WONG, M.D.**

Comes the Defendant, CSX Transportation, Inc. ("CSXT"), by and through its counsel of record, and for its Motion to File a Reply Brief to its Motion to Limit and Exclude Plaintiffs' Medical Expert, David K. Wong, M.D. states that:

On October 7, 2010, CSX filed its Motion to Limit and Exclude Plaintiffs' Medical Expert, David K. Wong, M.D. ("Dr. Wong"). Specifically, CSXT moved to exclude Dr. Wong's testimony as he based his medical opinion on facts not found in the record. Dr. Wong testified he believed Plaintiff's alleged injury occurred when he grabbed a pole and thus torqued his arm. The facts of the case demonstrate Plaintiff's alleged injury occurred upon impact with a Plexiglas window at the front of his cab.

On November 1, 2010, Plaintiffs filed a Response to the Motion. In this Response, Plaintiffs attached the Affidavit of Billy Scott Webb, an employee of CSXT who spoke to Plaintiff shortly after the incident. In their Response, Plaintiffs devoted multiple pages to Dr. Wong's credentials and the notion that a treating physician is